

1 ORRICK, HERRINGTON & SUTCLIFFE LLP
2 KAREN G. JOHNSON-MCKEWN (SBN 121570)
3 kjohnson-mckewan@orrick.com
4 ANNETTE L. HURST (SBN 148738)
5 ahurst@orrick.com
6 GABRIEL M. RAMSEY (SBN 209218)
7 gramsey@orrick.com
8 405 Howard Street, San Francisco, CA 94105
9 Tel: 1.415.773.5700 / Fax: 1.415.773.5759
10 PETER A. BICKS (*pro hac vice*)
11 pbicks@orrick.com
12 LISA T. SIMPSON (*pro hac vice*)
13 lsimpson@orrick.com
14 51 West 52nd Street, New York, NY 10019
15 Tel: 1.212.506.5000 / Fax: 1.212.506.5151
16 BOIES, SCHILLER & FLEXNER LLP
17 DAVID BOIES (*pro hac vice*)
18 dboies@bsflp.com
19 333 Main Street, Armonk, NY 10504
20 Tel: 1.914.749.8200 / Fax: 1.914.749.8300
21 STEVEN C. HOLTZMAN (SBN 144177)
22 sholtzman@bsflp.com
23 1999 Harrison St., Ste. 900, Oakland, CA 94612
24 Tel: 1.510.874.1000 / Fax: 1.510.874.1460
25 ORACLE CORPORATION
26 DORIAN DALEY (SBN 129049)
27 dorian.daley@oracle.com
28 DEBORAH K. MILLER (SBN 95527)
29 deborah.miller@oracle.com
30 MATTHEW M. SARBORARIA (SBN 211600)
31 matthew.sarboraria@oracle.com
32 RUCHIKA AGRAWAL (SBN 246058)
33 ruchika.agrawal@oracle.com
34 500 Oracle Parkway,
35 Redwood City, CA 94065
36 Tel: 650.506.5200 / Fax: 650.506.7117
37 *Attorneys for Plaintiff*
38 ORACLE AMERICA, INC.

21 UNITED STATES DISTRICT COURT
22 NORTHERN DISTRICT OF CALIFORNIA
23 SAN FRANCISCO DIVISION

24 ORACLE AMERICA, INC.,

Case No. CV 10-03561 WHA

25 Plaintiff,

**ORACLE'S RESP. TO ECF NO. 1812
RE: REQUEST FOR EXPLANATORY
LIST OF EXPERT WITNESSES**

26 v.

27 GOOGLE INC.,

Dept.: Courtroom 8, 19th Floor
28 Judge: Honorable William H. Alsup

Defendant.

1 Plaintiff Oracle America, Inc. (“Oracle”) hereby responds to the Court’s request (ECF No.
 2 1812) with a list of the expert witnesses it intends to call at trial in approximate order of
 3 presentation, along with a brief explanation of the points each expert is expected to make. The
 4 explanation of expected testimony is not exhaustive and is not intended as a limit on the scope of
 5 each expert’s testimony.

6 **Robert Zeidman.** Mr. Zeidman is an expert on source code comparison whose testimony
 7 relates to factor three, the “amount and substantiality of the portion taken.” Mr. Zeidman will
 8 present testimony introducing and explaining his analysis of Java and Android source code, and
 9 quantifying the number of lines of Java declaring code that Google copied in various versions of
 10 Android.

11 **Chris F. Kemerer, PhD.** Dr. Kemerer is a professor of Information Systems at the
 12 University of Pittsburgh Katz School of Business and an adjunct professor of software
 13 engineering at Carnegie Mellon University. Dr. Kemerer will provide expert opinions and
 14 analysis regarding the substantiality and importance of the Java APIs and the declaring code at
 15 issue to the Java platform and to the Android platform, the business context and history regarding
 16 the ways that companies control copying and implementation of APIs, and the business risk and
 17 uncertainty posed by the open source license associated with OpenJDK.

18 **Douglas Schmidt, PhD.** Dr. Schmidt is a professor of computer science at Vanderbilt
 19 University who will provide technical expert opinions and analysis relevant to the Java and
 20 Android platforms. Specifically, Dr. Schmidt will offer testimony on the nature and design of
 21 APIs including the Java APIs at issue in this case, the relationship between the Java programming
 22 language and the Java APIs, the relationship between Android and the Java APIs, compatibility
 23 between the Java and Android platforms, the relationship between various Java platforms
 24 including Java ME and Java SE, and analysis of the relationship between the Java APIs at issue
 25 and software on the phones sold by Android OEMS.

26 **Gwyn Firth Murray.** Ms. Murray is an open source licensing and industry expert who
 27 will provide the jury with background on open source licensing, including its purpose and
 28 development, as well as industry practices regarding open source compliance during the relevant

1 time period. She may also testify about the industry perception of the meaning and impact of the
 2 GPL family of licenses and the risks that Google and its OEMs would face if Google had chosen
 3 to use OpenJDK when Android was first developed.

4 **Adam Jaffe, PhD.** Professor Jaffe is Director and Senior Fellow at Motu Economics and
 5 Public Policy Research, and the Fred C. Hecht Professor in Economics Emeritus at Brandeis
 6 University. Professor Jaffe will offer the opinions, based on his economic analysis, that (1) the
 7 purpose and character of Google's use of Oracle's copyrighted works was highly commercial and
 8 not transformative; (2) Google's use of Oracle's copyrighted works resulted in significant market
 9 harm to the actual and potential markets for the Java platform; and (3) the markets for and value
 10 of the Java platform would be further harmed if copying like Google's became widespread.

11 **James E. Malackowski.** Mr. Malackowski is a Certified Public Accountant, and is an
 12 expert in forensic accounting and business valuation. Mr. Malackowski will provide expert
 13 opinions and analysis concerning the calculation of economic damages and the determination of
 14 profit disgorgement.

15 **Olivier Toubia, PhD.** Dr. Toubia is a professor of Business at Columbia Business
 16 School, and an expert in marketing research and behavioral economics, retained by Oracle to
 17 assist it in analyzing the survey Dr. Simonson conducted for Google. Dr. Toubia will provide
 18 opinions explaining that Dr. Simonson's survey failed to reliably measure developers'
 19 motivations for developing applications in the relevant time period, is inconsistent with
 20 contemporaneous documents and testimony illustrating that historical context, and suffers from
 21 methodological flaws that lead to biased results.

22 Dated: May 6, 2016

Respectfully submitted,

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 24 Orrick, Herrington & Sutcliffe LLP

25 By: /s/ Lisa T. Simpson
 26 Lisa T. Simpson

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 28 Counsel for ORACLE AMERICA, INC.